

EXHIBIT 13

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

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SIRI DIAZ, CAROLYN SIEGEL, TALIA BUMB,
BLERTA VIKKI, DANIELLE OWIMRIN, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

- against -

SCORES HOLDING COMPANY, INC., GO WEST
ENTERTAINMENT, INC., a/k/a SCORES WEST
SIDE; and SCORES ENTERTAINMENT, INC.,
a/k/a SCORES EAST SIDE,

Defendants.

Case No. 07 Civ. 8718 (RMB)

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200 Park Avenue
New York, New York

January 24, 2008
4:05 p.m.

Deposition of TALIA BUMB, before
Marlene Lee, CSR, CRR, a Notary Public of the
State of New York.

ELLEN GRAUER COURT REPORTING CO. LLC
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New York, New York 10022
212-750-6434
REF: 86554

1 A P P E A R A N C E S:

2
3 OUTTEN & GOLDEN LLP

4 Attorneys for the Witness and Plaintiffs

5 Three Park Avenue
6 New York, New York 10016

7 BY: TAMMY MARZIGLIANO, ESQ.
212-245-1000 (Telephone)
tm@outtengolden.net (E-mail)
8 212-977-4005 (Fax)
9

10
11 GREENBERG TRAURIG LLP

12 Attorneys for the Defendants

13 200 Park Avenue
14 New York, New York 10166

15 BY: NEIL A. CAPOBIANCO, ESQ.
212-801-9302 (Telephone)
capobiancon@gtlaw.com (E-mail)
16 212-805-5501 (Fax)
17
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19
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1 BUMB

2 Q. What area of the club were you
3 working in?

4 A. The main floor.

5 Q. Where is the main floor in relation
6 to the bar?

7 A. It's in front of the bar, like down
8 the steps in front of the bar.

9 Q. Right by the stage?

10 A. Yeah.

11 Q. What were you told at the end of
12 training? Were you told to come back on
13 another day or to report for work?

14 A. Yeah. They told me to come back
15 another day.

16 Q. And when was that?

17 A. I can't remember what day that was.

18 Q. How much longer after that Sunday
19 was it?

20 A. Maybe a day or two.

21 Q. And what was your purpose for
22 coming back that subsequent day?

23 A. Another day of training.

24 Q. With someone else?

25 A. I can't remember who it was with.

1 BUMB

2 Q. But it was with someone else?

3 A. It could have been Anelise again,
4 but I'm not sure. It could have been someone
5 else.

6 Q. And did you go back to Go West on
7 that second day of training?

8 A. Yes.

9 Q. And what time did you get there?

10 A. I can't remember.

11 Q. How long did you stay?

12 A. I can't remember.

13 Q. Did you learn anything on the
14 second day of training that you didn't learn
15 the first day of training?

16 A. I may have.

17 Q. Do you recall what?

18 A. No.

19 Q. Do you recall speaking to anyone on
20 that second day of training?

21 A. Yeah. I spoke to people. I just
22 don't remember specifically who.

23 Q. Did you discuss any work-related
24 issues?

25 A. I don't remember anything

1 BUMB

2 specifically.

3 Q. Did you -- was Alberto there on
4 that second day?

5 A. I can't remember.

6 Q. How -- what happened at the end of
7 the day? At the end of your training on that
8 day?

9 A. At the end of my training on that
10 day? Oh, yeah. Alberto was there, because
11 that's the day they told me I was, like,
12 officially -- could officially start. I was
13 done with training, and my next day -- the next
14 time I worked would be a regular work day.
15 Yeah.

16 Q. So he told you, you were done with
17 training?

18 A. Yes.

19 Q. Do you know how he reached that
20 conclusion?

21 A. No.

22 Q. Did he tell you, "You know enough?"
23 or "you're fully trained"?

24 A. I don't really recall the
25 conversation.

1 BUMB

2 Q. Let me ask you: During your
3 training, were you physically carrying any
4 drinks to the customers?

5 A. Yes.

6 Q. Were you doing any other physical
7 carrying during training?

8 A. Carrying napkins. Trays. Clearing
9 tables. Glasses.

10 Q. I want to make sure you were doing
11 this on training days, not on your regular days
12 of work.

13 A. During training, yeah.

14 Q. And the person that was training
15 you, were they doing work as well?

16 A. Yes.

17 Q. And were you working in partnership
18 with this other person? Or was there another
19 partner?

20 Do you understand the question?

21 A. Yeah, I understand.

22 Q. As I understand it, at Go West the
23 cocktail waitresses typically worked in pairs.

24 A. Yeah. I was working in pairs. I
25 just don't remember exactly with who.

1 BUMB

2 Q. Do you remember any of the
3 bartenders who you personally handed it to?

4 A. I remember one bartender named
5 Rose.

6 Q. Rose?

7 A. Yeah.

8 Q. Anyone else?

9 A. That's the only name I remember.

10 Q. And what about the barbacks? Did
11 you physically hand money to the barbacks as
12 well?

13 A. I don't recall.

14 Q. Do you remember the names of any of
15 the barbacks?

16 A. No, I don't. I know I gave the
17 money for the barbacks to someone. I just
18 can't remember if we gave it to a manager to
19 give to them, or directly to the barback. I
20 know I gave money to them. I just can't
21 remember who I gave it to directly.

22 Q. Was anybody else involved in this
23 tip-sharing?

24 A. I only recall the waitresses,
25 barbacks, bartenders, and the managers being

1 BUMB

2 there.

3 Q. Did the manager get a share of the
4 tips?

5 A. Not that I know of.

6 Q. Did this process happen on every
7 day that you worked there?

8 A. Yes.

9 Q. And did you work till cash-out on
10 every day that you worked?

11 A. Yes, I did.

12 Q. And --

13 A. Except the training days.

14 Q. Right. The training days you
15 didn't work that late.

16 A. Correct.

17 Q. But the days starting after
18 training, you worked all the way till cash-out.

19 A. Yes.

20 Q. So after the cash-out, after you've
21 given the monies to the bartenders and
22 barbacks, then what happens?

23 A. Then we go change into our street
24 clothes and go home.

25 Q. When do you clock out?

1 BUMB

2 A. After we -- well, I would always
3 forget to clock out. Honestly, I don't know.

4 Q. Do you know when you were supposed
5 to clock out?

6 A. No.

7 Q. So you went directly from counting
8 your money, telling the manager what your --
9 how much tips you earned that evening, handing
10 the shares to the bartender and the barbacks,
11 to changing your clothes --

12 A. Yes.

13 Q. --and leaving?

14 A. Yes.

15 Q. And that's the process you followed
16 every evening that you worked?

17 A. Yeah.

18 Q. Do you remember the names of any of
19 the managers that oversaw or sat there when you
20 were counting your tips?

21 A. I only remember Alberto.

22 Q. How many days in total did you
23 work, other than training?

24 A. Total time I was there?

25 Q. Yeah.

1 BUMB

2 A. I'd say approximately --
3 approximately around 10 days or something.

4 Q. Tell me what the work outfit looked
5 like.

6 A. It was a black corsette and a short
7 black skirt.

8 Q. Did you ever wear it to or from
9 work?

10 A. No.

11 Q. Did you ever wear it outside of
12 work?

13 A. No.

14 Q. Did you ever wear any outfit like
15 it outside of work?

16 A. No.

17 Q. Have you ever seen any other woman
18 wearing an outfit like it, like out for an
19 evening?

20 A. No.

21 Q. Do you know what time you were
22 scheduled to work on any of your days of work?

23 A. I know for happy hour I had to be
24 there at 4:00. And the other nights, either
25 seven or eight o'clock.

1 BUMB

2 Q. When you say "seven or eight," you
3 don't remember? Or it varied?

4 A. It varied.

5 Q. When you worked happy hour, what
6 time did you leave?

7 A. I'd say around 4:30 in the morning.

8 Q. And what was happy hour?

9 A. Where they open the club early so
10 people could come after work and have drinks.

11 Q. But other than being open earlier,
12 did it vary -- did what was happening in the
13 club or your job vary at all from other nights
14 when it wasn't happy hour?

15 A. No.

16 Q. Basically it was your same job.
17 You just had to report to work earlier?

18 A. Yes.

19 Q. Did you arrive at work on time?

20 A. Yes.

21 Q. Did your manager -- did anyone ever
22 speak to you about your arrival time at work?

23 A. No.

24 Q. Did you ever arrive to work in your
25 work outfit?

1 BUMB

2 drank?

3 A. Yes.

4 Q. Did you pay at the same price that
5 the customer was charged?

6 A. I don't recall if we got an
7 employee discount.

8 Q. How did you get a drink?

9 A. How did we get a drink? Placed the
10 order.

11 Q. You had to go through the POSI
12 touch system?

13 A. Yes.

14 Q. The same way that a customer did?

15 A. Yes.

16 Q. Now, did you receive any tips when
17 you were working for Go West?

18 A. Yes.

19 Q. And in what form were tips
20 received?

21 A. Cash.

22 Q. All were in cash?

23 A. Some were credit card tips as well.

24 Q. Did you ever receive any diamond
25 dollars?

1 BUMB

2 A. Yes.

3 Q. How many?

4 A. Twenty.

5 Q. You received \$20 in diamond
6 dollars?

7 A. Yes.

8 Q. How did you receive it?

9 A. From a customer.

10 Q. Now, when you were doing your
11 end-of-night accounting for tips, was that
12 accounted for at that time?

13 A. I tried to turn it in.

14 Q. Let me ask you. You testified,
15 before, that at the end of the night you
16 counted your tips.

17 A. Uh-huh.

18 Q. And the \$20 -- \$20 diamond dollars
19 that you received, was that part of the tips
20 that you counted at the end of the night?

21 A. Yes.

22 Q. It was?

23 A. Yes.

24 Q. And you handed in diamond dollars
25 at that time?

1 BUMB

2 A. Yes.

3 Q. And did you account for it
4 separately than the cash tips?

5 A. I'm not sure how the manager wrote
6 it -- well, he didn't write it down because he
7 said it was expired, so he didn't account for
8 it.

9 Q. So it was the manager who told --
10 the manager who was overseeing the counting
11 process that told you it was expired?

12 A. Yes.

13 Q. And who was that manager?

14 A. I believe it was Alberto.

15 Q. So did you ever attempt to exchange
16 any diamond dollars?

17 A. That one with Alberto. He told me
18 it was expired, so I couldn't.

19 Q. So what did you do with it?

20 A. I don't recall at this time.

21 Q. Do you still have it?

22 A. No.

23 Q. You don't recall what you did with
24 it, though?

25 A. No.